

HOLLAND & KNIGHT LLP
Charles L. Coleman III (SBN 65496)
David I. Holtzman (SBN 299287)
50 California Street, 28th Floor
San Francisco, CA 94111
Telephone: (415) 743-6970
Facsimile: (415) 743-6910
Email: charles.coleman@hklaw.com
david.holtzman@hklaw.com

Attorneys for Plaintiff
COUNTY OF LOS ANGELES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

WILBUR L. ROSS, JR., *et al.*,

Defendants.

Case No.: 3:18-cv-01865-RS

**TRIAL DECLARATION OF DOUGLAS S.
BARON ON BEHALF OF THE COUNTY
OF LOS ANGELES**

Date: January 7, 2019

Time: 9:00 a.m.

Before: Hon. Richard Seeborg

Courtroom: 3

Holland & Knight LLP
50 California Street, Suite 2800
San Francisco, CA 94111
Tel: (415) 743-6900
Fax: (415) 743-6910

Holland & Knight LLP
50 California Street, Suite 2800
San Francisco, CA 94111
Tel: (415) 743-6900
Fax: (415) 743-6910

1 I, Douglas S. Baron, hereby declare:

2 1. I am a Senior Manager with the Chief Executive Office (“CEO”) of the County of
3 Los Angeles (“the County”). I have been authorized by County Counsel to submit this
4 Declaration on behalf of the County. Except as otherwise stated below, I have personal
5 knowledge of all facts contained in this Declaration, and if called upon to do so could testify
6 competently to those facts under oath in a court of law, without waiver of any applicable
7 privilege.

8 2. I have been a manager at the CEO for over two years, and have worked for the
9 County of Los Angeles in various capacities on fiscal matters for over 17 years. I hold a
10 Bachelor of Arts degree from Princeton University and a Master of Business Administration
11 degree from Stanford University.

12 3. My responsibilities as Senior Manager, CEO, of the County include overseeing
13 the Economic Development Division within the CEO. In that role, I assist in planning and
14 budgeting matters relating to the conduct of the 2020 Census within the County.

15 4. As Senior Manager, CEO, of the County, I am personally responsible for
16 overseeing all County plans regarding the 2020 Census. Those plans include preparations for
17 outreach to County residents in advance of the 2020 Census to ensure an accurate and complete
18 count. Counting all residents is especially difficult in the County, because it has the largest
19 Hard-to-Count (“HTC”) population of any county in the United States. Counting all residents is
20 critical because the County depends on an accurate and complete Census count to obtain its
21 designated share of federal funding, and for purposes of political representation. It has long
22 been the County’s view and experience that affirmative outreach to County residents is
23 necessary to convince persons within the County limits to respond to the Census, thereby
24 achieving a more accurate count. The necessity of an accurate count coupled with the difficulty
25 in obtaining it requires early planning and preparation—as well as budgeting and
26 expenditures—to obtain the best results.

27 5. As Senior Manager, CEO, of the County, I am personally familiar with the
28

1 difficulty in accurately counting the County's population. It is my responsibility to oversee the
2 2020 Census, and part of my preparation for doing so involved analysis of the 2010 Census. The
3 County's exceptional HTC population was observed by both the County and the Census Bureau,
4 and is a matter of public record.

5 6. As part of its outreach effort, the County must develop a budget. I am personally
6 involved in that process. Outreach efforts must begin well in advance of the Census to have the
7 intended effect. Planning and preparation for the outreach must also begin well in advance of
8 the outreach efforts, so the County both has the ability to expend funds and knows how much it
9 may spend.

10 7. Pursuant to its need to develop a budget, in consultation with me and my staff, the
11 County Board of Supervisors examined this issue and initially requested from the State of
12 California funding of \$8.7 million. We developed this number based on an in-depth analysis of
13 past census outreach efforts as well as factors potentially affecting the 2020 Census. At the time
14 the County developed the \$8.7 million figure, the Census Bureau had not yet announced the
15 addition of the citizenship question. Consequently, that number does not reflect any outreach
16 attributable specifically to the citizenship question.

17 8. After the United States Department of Commerce announced the inclusion of a
18 citizenship question, the County reexamined its budget. Given the difficulty of counting HTC
19 populations and the probability that a citizenship question would reduce census participation
20 among non-citizen residents and families, leading to an undercount, the County re-analyzed its
21 funding and outreach efforts. Specifically, the County reviewed the USC Center for the Study of
22 Immigrant Integration's analysis of the American Community Survey 2012-16 microdata to
23 determine the number of non-citizens (both documented and undocumented) living in the
24 County, as well as the estimated County population having at least one family member with
25 undocumented status living in the same household. The County then applied a per capita
26 funding ratio based on the Governor's 2018-19 Proposed Budget for the State of California to
27 calculate the additional funding needed for increased on-the-air and on-the-ground outreach.
28

1 9. The need for additional funding is solely attributable to the addition of the
2 citizenship question. As noted above, the original \$8.7 million funding amount covered only the
3 2020 Census without a citizenship question. Based on its analysis, the County needs additional
4 funding for outreach because inclusion of a citizenship question will increase the likely
5 undercount. The County must spend additional funds to combat this undercount through
6 increased outreach, to achieve a more accurate count, as discussed further below.

7 10. The County determined that it needed an additional \$3.3 million to complete
8 additional outreach. The County decided to request these funds because of recent Federal
9 government actions that may compound the difficulty of counting local communities facing
10 socio-economic and demographic challenges.

11 11. On May 18, 2018, the County's Sacramento Legislative Office sent a written
12 request to the California Legislature seeking additional outreach funding for the County. A true
13 copy of that written request is attached hereto as **Exhibit A**. The revised request for funding
14 totaled \$12.0 million.

15 12. In the County's written request to the Legislature (Exhibit A), the County
16 requested an increase in census funding from \$8.7 million to \$12 million, stating that the request
17 for additional funding was "due to the United States Commerce Department's announcement
18 that a citizenship question will be included in the 2020 Census Form." In particular, the County
19 sought an additional \$1,700,000 for "Outreach to the Entire Immigrant Non-Citizen Population"
20 plus an additional \$1,500,000 for "Outreach to Population with Undocumented Family Member
21 Living in the Same Household."

22 13. On or about November 9, 2018, the State of California announced its funding
23 allocations, to be disbursed pursuant to a "County-Optional Agreement to Conduct Outreach
24 Related to the California Complete Count (CCC) 2020 Census." The announced funding
25 allocations were set out as Attachment II to a form letter received by the County CEO and (on
26 information and belief) other counties throughout the State of California. I attach hereto as
27 **Exhibit B** a true copy of the two-page cover letter (minus its exhibits) and Attachment II to the
28

1 letter, which lists the amount allocated to the County as \$9,393,090, rather than the \$12,000,000
2 requested by the County in Exhibit A.

3 14. The amount allocated to the County by the State for purposes of the 2020 Census
4 also is listed on the State's website, at [https://census.ca.gov/wp-content/uploads/sites/4/2018/11/](https://census.ca.gov/wp-content/uploads/sites/4/2018/11/County-Contract-Amounts.pdf)
5 [County-Contract-Amounts.pdf](https://census.ca.gov/wp-content/uploads/sites/4/2018/11/County-Contract-Amounts.pdf). A printed copy of this online listing, showing the amount
6 allocated to the County as \$9,393,090, is attached hereto as **Exhibit C**.

7 15. The \$9,393,090 amount allocated by the Legislature for the 2020 Census is
8 \$2,606,910 below the \$12,000,000 amount the County determined to be necessary for outreach
9 in Exhibit A in view of the addition of the citizenship question.

10 16. As a result of this funding level, the County will need to either supply the
11 difference of \$2,606,910 from its own funds or face what the County has determined to be a
12 significantly enhanced risk of an undercount.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is
14 true and correct, and that I have executed this declaration in Los Angeles, California.

15
16 Dated: December 28, 2018

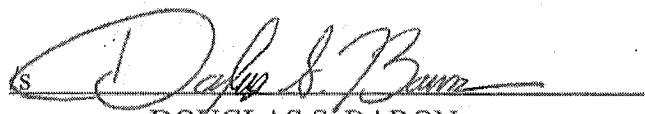
17
18 
19
20 DOUGLAS S. BARON
21
22
23
24
25
26
27
28

EXHIBIT A



COUNTY OF LOS ANGELES Sacramento Legislative Office

1100 K Street, Suite 400, Sacramento, California 95814
(916) 441-7888 • Fax (916) 445-1424
<http://ceo.lacounty.gov>

SACHI A. HAMAI
Chief Executive Officer

BRIAN J. STIGER
Chief Legislative Representative

May 18, 2018

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

JANICE HAHN
Fourth District

KATHRYN BARGER
Fifth District

The Honorable Holly Mitchell, Chair
Senate Budget and Fiscal Review Committee
State Capitol, Room 5080
Sacramento, CA 95814

The Honorable Phil Ting, Chair
Assembly Budget Committee
State Capitol, Room 6026
Sacramento, CA 95814

RE: GOVERNOR'S BUDGET PROPOSAL RELATING TO THE 2020 CENSUS RELATED ACTIVITIES - SUPPORT WITH INCREASED FUNDING

Dear Senator Mitchell and Assembly Member Ting:

The Los Angeles County Board of Supervisors supports the Governor's proposed \$40.3 million for the 2020 Census, and also respectfully requests an increase of \$12 million in funding to promote a complete and accurate 2020 Census count, specifically for Los Angeles County. Attached is a breakdown explaining the revised costs from the \$8.7 million request due to the United States Commerce Department's announcement that a citizenship question will be included in the 2020 Census Form.

The allocation for the Local Complete Count Committees needs to be increased significantly in order to support the funding needs for California's counties. In Los Angeles County alone, the estimated cost of a regionwide education and outreach campaign is approximately \$12 million. The County has a very diverse population and geographic region, including a disproportionately high number of hard-to-survey households. Los Angeles County accounts for 25.1 percent of the total households in California, but 39.5 percent of the State's hard-to-survey households. In fact, 44.7 percent of Los Angeles County households are in hard-to-survey Census tracts.

Adequate funding is critical to ensure an accurate census count and is of importance to the County. An inadequate census count would greatly disadvantage the County's ability to serve vulnerable residents who rely on Federal programs, such as Medicaid, Foster Care Assistance, Nutrition Programs, Workforce Development and Section 8 Housing Choice Vouchers.

While the County supports the Governor's proposed funding for the 2020 Census, the funding level is not sufficient for the necessary outreach campaign, and other similarly situated

counties. The Governor's Budget only allocates \$3 million for local Complete Count Committees (CCC) statewide, to be distributed over two years.

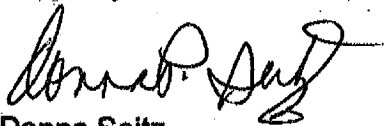
According to the State's *California Complete Count, Counting 2010 and Planning for 2020 Report*, Los Angeles County, which is larger than 42 states, is considered to be the Hardest-to-Survey County in the country. Many of the local communities face socio-economic and demographic challenges that require targeted outreach plans to properly reach Hard-to-Survey populations. Recent Federal government actions regarding immigrants further compound these challenges, including the Administration's request to include a question on citizenship on the 2020 Census form. In response to those concerns, the Board acted on January 16, 2018, to oppose inclusion of a question on citizenship given the potential impact it would have on the 2020 Census count.

The Chief Executive Office's Unincorporated Area Services (CEO-UAS) unit reports that a robust education and outreach campaign is necessary to conduct effective outreach to residents throughout the County's diverse, multi-ethnic and multi-lingual communities. The CEO-UAS unit is concerned that without adequate funding for Census outreach and other activities, the County would be at significant risk for an undercount of its population.

Therefore, the Board of Supervisors urges your budget committees and subcommittees to support the Governor's proposed funding for the 2020 Census, and to also request additional funding to support more outreach and other Census-related activities, and for local CCCs.

Please call us at (916) 441-7888 if you have any questions.

Sincerely,



Donna Seitz
Assistant Chief Legislative Representative



Martha Guerrero
Legislative Representative

Attachment

- c: Each Member and Consultants,
Senate Budget and Fiscal Review Subcommittee #4
Assembly Budget Committee Subcommittee #4

**Los Angeles County
Revised Estimated Need For
2020 Census Education and Outreach Program**

Countywide "On-the-Air" Media Outreach Campaign

Los Angeles County is the most populated county in the nation with 88 cities and over 140 unincorporated areas. L.A. County has a very diverse population including a disproportionately high number of hard-to-survey households. As such, the County plans to develop unique outreach and messaging at the County-level to reach all segments of the local population, promote County-level programs and services funded by Census-derived data, and address issues facing local hard-to-survey areas and populations.

The County's estimate for a regionwide media outreach campaign to reach the 3,500,000 households in Los Angeles County is approximately \$4.4 million.

Los Angeles County Hard-to-Survey Outreach (On-the-Air and On-the-Ground)

Approximately 40.0 percent of Los Angeles County's households are in hard to survey Census Tracts which is significantly higher than the State's percentage of 25.4 percent. Los Angeles County has nearly 40 percent of all Statewide hard to survey households. The variance becomes more apparent when comparing the number of hard-to-survey Census Tracts, 29.2 percent Statewide versus 44.7 percent in Los Angeles County.

The County's estimate to support On-the-Air and On-the-Ground outreach for the County's hard-to-survey households is approximately \$4.4 million.

Census Citizenship Question Impact to Los Angeles County

Los Angeles County is home to approximately one-third of the State's immigrant population. According to the USC Center for the Study of Immigrant Integration's (CSII) analysis of the American Community Survey (ACS) 2012-16 microdata, there are approximately 1,858,027 non-citizens in the County. This includes 952,846 documented and 905,181 undocumented individuals.

On March 26, 2018, the US Commerce Department announced the addition of a question on citizenship on the 2020 Census Form. This untested citizenship question will impact all non-citizens and mixed status households and thus requires additional outreach.

Current estimates project that the County will need at least \$1.7 million to develop and provide local outreach to all non-citizens.

According to the same USC report, there is an estimated population of 1,617,328 in the County with at least one family member with undocumented status living in the same household. Of this population, over half are United States Citizens. This is another

population for which it will be crucial to provide outreach and messaging to ensure that these families count all household members regardless of immigration status.

Current estimates project that the County will need at least \$1.5 million to develop and provide localized outreach to this population.

Total LA County Estimated Need	
Locally-focused "On-the-Air" Countywide Media Outreach Campaign	\$4,400,000
Media "On-the-Air" Additional Need Based on Reaching Hard- to-Survey Population'	\$2,600,000
"On-the-Ground" Need Based on Hard-to-Survey Population	\$1,800,000
Outreach to the Entire Immigrant Non- Citizen Population	\$1,700,000
Outreach to Population With Undocumented Family Member Living in the Same Household	\$1,500,000
Total Estimated (Approximate) Need	\$12,000,000

EXHIBIT B



CALIFORNIA COMPLETE COUNT
400 "R" Street, Suite 350
Sacramento, CA 95811
(916) 852-2020

Ditas Katague
Director

November 9, 2018

TO: CALIFORNIA COUNTY BOARD OF SUPERVISORS

SUBJECT: County-Optional Agreement to Conduct Outreach Related to the California Complete Count (CCC) 2020 Census

Every 10 years, the U.S. Census counts every resident in the nation. A complete and accurate count of California's population is essential to the state because the data collected by the Census determines the number of seats each state has in the U.S. House of Representatives and is also used to distribute billions of dollars in federal funds to local communities. More than 70 federal programs that benefit California, including education, health and human services, use Census numbers as part of their funding formulas.

In support of this effort, the California Legislature has appropriated \$90.3 million to fund activities related to the 2020 Census. The CCC, which is spearheading the state 2020 Census outreach strategy, is making \$26.5 million available to participating California counties to conduct outreach and assistance. This letter provides a county-optional agreement to fund outreach activities in each county to promote participation in the 2020 decennial census.

California's communication and outreach strategy will focus on both geographic areas and demographic populations who are "least likely to respond". These areas and populations are commonly referred to as "hard-to-count (HTC)" areas. These terms, least likely to respond and HTC are often used interchangeably.

Counties and cities play a significant role to ensure their populations are aware of the Census and are ready to be counted. Counties that choose to participate must opt-in and are subject to requirements, as described below.

Although funding will be dispersed directly to counties, it is fully expected that counties will collaborate with cities within their jurisdiction on outreach efforts. If a county chooses to subcontract with its cities, the State recommends using the "California Hard-to-Count Index interactive map" available at www.census.ca.gov.

COUNTY-OPTIONAL OUTREACH AGREEMENT

As defined in the Statement of Work (SOW), Exhibit A, the Census Office requires California counties to agree to do all of the following:

1. Prepare a board resolution, order, motion, ordinance or similar document from the local governing body authorizing execution of the agreement;
2. Prepare a Strategic Plan;
3. Participate in a monthly in-person meeting/or call with assigned Regional Program Manager;
4. Prepare Quarterly Written Reports;
5. Prepare an Implementation Plan; and
6. Prepare a Final Report

Counties choosing to opt-in, must submit the following attached documents to the California Complete Count - Census 2020 office by Feb. 8, 2019:

1. County Opt-In Letter (Attachment I)
2. County board resolution, order, motion, ordinance or similar document

Documents must be sent to:

California Complete Count - Census 2020
Attention: Contracts Unit
400 "R" Street, Suite 359
Sacramento, CA 95811

Attachment II displays a planning allocation for all counties.

Questions regarding this letter should be directed to the California Complete Count - Census 2020, at (916) 852-2020 or by email at Contracts@census.ca.gov.

Sincerely,

Original Document Signed By:

DITAS KATAGUE
Director
California Complete Count - Census 2020

Attachment II



State of California
and _____ County
Agreement #XXXXXXXX

CENSUS 2020 COUNTY FUNDING ALLOCATION TABLE

County	Allocation
Alameda	\$843,249
Alpine	\$25,000
Amador	\$50,000
Butte	\$133,958
Calaveras	\$50,000
Colusa	\$25,000
Contra Costa	\$362,605
Del Norte	\$50,000
El Dorado	\$100,000
Fresno	\$1,088,443
Glenn	\$50,000
Humboldt	\$100,000
Imperial	\$284,435
Inyo	\$25,000
Kern	\$852,723
Kings	\$121,055
Lake	\$75,000
Lassen	\$50,000
Los Angeles	\$9,393,090
Madera	\$133,610
Marin	\$100,000
Mariposa	\$25,000
Mendocino	\$75,000
Merced	\$289,390
Modoc	\$25,000
Mono	\$25,000
Monterey	\$401,996
Napa	\$100,000
Nevada	\$75,000

County	Allocation
Orange	\$1,555,519
Placer	\$100,000
Plumas	\$25,000
Riverside	\$1,210,891
Sacramento	\$862,308
San Benito	\$75,000
San Bernardino	\$1,482,128
San Diego	\$1,565,350
San Francisco	\$546,212
San Joaquin	\$474,168
San Luis Obispo	\$100,000
San Mateo	\$228,835
Santa Barbara	\$354,319
Santa Clara	\$963,854
Santa Cruz	\$111,586
Shasta	\$100,000
Sierra	\$25,000
Siskiyou	\$50,000
Solano	\$145,572
Sonoma	\$100,000
Stanislaus	\$318,521
Sutter	\$86,138
Tehama	\$75,000
Trinity	\$25,000
Tulare	\$582,714
Tuolumne	\$75,000
Ventura	\$288,754
Yolo	\$127,079
Yuba	\$100,000

Total County Funding	\$26,683,500
-----------------------------	---------------------

EXHIBIT C

County	Award Amount
Alameda County, California	\$ 843,249
Alpine County, California	\$ 25,000
Amador County, California	\$ 50,000
Butte County, California	\$ 133,958
Calaveras County, California	\$ 50,000
Colusa County, California	\$ 25,000
Contra Costa County, California	\$ 362,605
Del Norte County, California	\$ 50,000
El Dorado County, California	\$ 100,000
Fresno County, California	\$ 1,088,443
Glenn County, California	\$ 50,000
Humboldt County, California	\$ 100,000
Imperial County, California	\$ 284,435
Inyo County, California	\$ 25,000
Kern County, California	\$ 852,723
Kings County, California	\$ 121,055
Lake County, California	\$ 75,000
Lassen County, California	\$ 50,000
Los Angeles County, California	\$ 9,393,090
Madera County, California	\$ 133,610
Marin County, California	\$ 100,000
Mariposa County, California	\$ 25,000
Mendocino County, California	\$ 75,000
Merced County, California	\$ 289,390
Modoc County, California	\$ 25,000
Mono County, California	\$ 25,000
Monterey County, California	\$ 401,996
Napa County, California	\$ 100,000
Nevada County, California	\$ 75,000
Orange County, California	\$ 1,555,519
Placer County, California	\$ 100,000
Plumas County, California	\$ 25,000
Riverside County, California	\$ 1,210,891
Sacramento County, California	\$ 862,308
San Benito County, California	\$ 75,000
San Bernardino County, California	\$ 1,482,128
San Diego County, California	\$ 1,565,350
San Francisco County, California	\$ 546,212
San Joaquin County, California	\$ 474,168
San Luis Obispo County, California	\$ 100,000
San Mateo County, California	\$ 228,835
Santa Barbara County, California	\$ 354,319
Santa Clara County, California	\$ 963,854
Santa Cruz County, California	\$ 111,586
Shasta County, California	\$ 100,000
Sierra County, California	\$ 25,000
Siskiyou County, California	\$ 50,000
Solano County, California	\$ 145,572
Sonoma County, California	\$ 100,000
Stanislaus County, California	\$ 318,521
Sutter County, California	\$ 86,138
Tehama County, California	\$ 75,000
Trinity County, California	\$ 25,000
Tulare County, California	\$ 582,714
Tuolumne County, California	\$ 75,000
Ventura County, California	\$ 288,754
Yolo County, California	\$ 127,079
Yuba County, California	\$ 100,000
Totals:	\$ 26,683,500

CERTIFICATE OF SERVICE

Case Name: **State of California, et al. v.** No. **3:18-cv-01865**
Wilbur L. Ross, et al.

I hereby certify that on December 28, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

TRIAL DECLARATION OF DOUGLAS S. BARON ON BEHALF OF THE COUNTY OF LOS ANGELES

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 28, 2018, at Sacramento, California.

Eileen A. Ennis
Declarant

/s/ Eileen A. Ennis
Signature

SA2018100904